

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

Irene Valentin as Mother and)
Natural Guardian of Autumn Valentin)
and Irene Valentin, Individually,)
)
Plaintiff,)
)
v.)
)
Morris Heights Health Center,)
and Bronx Lebanon Hospital Center,)
)
Defendants.)

Case No.

DECLARATION OF
DARETIA HAWKINS

1. I am an Attorney in the General Law Division, Office of the General Counsel, Department of Health and Human Services (the “Department”). I am familiar with the official records of administrative tort claims maintained by the Department as well as with the system by which those records are maintained.

2. The Department’s Claims Branch maintains a computerized database record of administrative tort claims filed with the Department, including those filed with respect to federally supported health centers that have been deemed to be eligible for Federal Tort Claims Act malpractice coverage.

3. As a consequence, if a tort claim had been filed with the Department with respect to Morris Heights Health Center, and its employees, a record of that filing would be maintained in the Claims Branch’s database.

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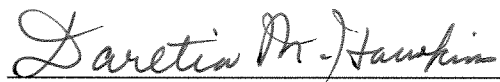
4. I caused a search of the Claims Branch's database to be conducted and found no record of an administrative tort claim filed by Irene Valentin, Autumn Valentin or an authorized representative relating to Morris Heights Health Center and Marcia Jones, CNM.

5. I have also reviewed official agency records and determined that Morris Heights Health Center was first deemed eligible for Federal Tort Claims Act malpractice coverage effective June 23, 1996, and that its deemed status has continued without interruption since that date. A copy of the notification by an Assistant Surgeon General, Department of Health and Human Services, to Morris Heights Health Center is attached to this declaration as Exhibit 1.

6. Official agency records also indicate that Marcia Jones, CNM, was an employee of Morris Heights Health Center at all times relevant to the complaint in this case.

I declare under penalty of perjury that the foregoing is true and correct. 28 U.S.C. § 1746.

Dated at Washington, D.C., this 24th day of January, 2008.



DARETIA HAWKINS
Attorney, Claims and Employment Law Branch
General Law Division
Office of the General Counsel
Department of Health and Human Services